

## **EXHIBIT 6**

### **Affidavit of Fred Davis**

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BEFORE ME, the undersigned authority, personally appeared, Fred Davis, who upon being first duly sworn, states as follows:

1. My name is Fred Davis. I own and operate a 10,000 acre ranch 25 miles from the Arizona/Mexico border, 12 miles from the town of Tombstone, Arizona. I have lived on the property 61 years. The ranch has been owned by my family since 1867, when my great-grandfather came to Arizona.

2. I am Chairman of the Whitewater Draw Natural Resource Conservation District (WWDNRCD) in Southeastern Arizona. The WWDNRCD was established by federal law in 1942 as a local unit of government to carry out natural resource management programs at the local level. I was elected Chairman and serve as a state official. The WWDNRCD seeks to protect, conserve and sustain natural resources in this region, particularly soil and water. WWDNRCD informs farmers, ranchers and landowners (called cooperators) about programs available through the federal Natural Resource Conservation Service. The WWDNRCD also acts as a liaison between the Natural Resource Conservation Service and locals. The WWDNRCD promotes natural resource conservation for farming and ranching operations in Southeast Arizona. Most of our cooperators are multi-generation ranchers and farmers who are stewards of their land that plan to pass their traditional way of life on to future generations. Unfortunately, a great many of our

cooperators have suffered environmental damage to their lands at the hands of illegal border crossers.

3. I currently reside on the property with my family, including: my wife, Peggy Davis; my son, Jared Davis; my daughter, Marlo Compton and her husband and two children. I graduated from Tombstone High School in 1969 and attended California State Polytechnic College in San Luis Obispo, California for a year, but, due to my father's ill-health, transferred to Arizona State University where I attended for two years in order to be closer to the family ranch. In order to supplement ranch income, I have been involved in the movie industry working as a driver and a livestock wrangler for 39 years, and have worked on approximately 30 Motion pictures.

4. I married my wife in 1972 and we have both continuously lived on the ranch since that time. Both of our children have grown up on the ranch, and while they are now adults and our daughter has two children, they continue to work and live here because it requires several people to manage a ranch of this size, and the income does not allow for full time employees. Ranching on my family's land is not a job; it is my heritage, my passion, and my way of life. Our home has been in our family since before Arizona was a state. One of my great-great grandfathers came to Cochise County in 1867, another in 1880. I am the fourth generation to



operate this ranch, making my children the fifth and my grandchildren the sixth generation.

5. Before illegal aliens ran rampant in the southwest, the ranch was a quiet and peaceful place to live and raise a family. This is my family's livelihood and all we know and love to do. I am proud of the fact that we provide food for America and the world. Raising children in this environment teaches many things; responsibility, work ethic, animal husbandry, respect for the land, environmental impact of outside sources upon the land, family values, and cooperation skills to name a few. It is a lifestyle that produces strong adults.

6. Running a large cattle ranch takes a lot of time and true commitment. Ranchers must sort through their herds making sure cattle are healthy and have no injuries. In the spring, they must round up all the cattle, brand, vaccinate, castrate, and earmarked the calves according to Arizona state law. In the fall they are gathered again and the calves are weaned from their mothers and shipped to market. Ranchers must constantly mend any broken fences and maintain water lines and wells. Damage to my land, therefore, is a serious matter that threatens my livelihood, the value of my land and my enjoyment of my property.

7. Our ranch was featured in the book *100 Years, 100 Ranchers*, featuring ranches in Arizona that have been in existence for over 100 years in the same family. I have always hoped that not only my children and grandchildren, but

someday their children and grandchildren, would continue the tradition as well, but this hope has been threatened by the actions of the Department of Homeland Security (DHS). Because of the constant crossings of illegal aliens over my ranch, our land has become a stressful place to live.

8. In order to promote the interests and sustainability of the ranching way of life, I am active in a number of organizations, along with the WWDNRCD. I belong to several associations of cattle growers which represent thousands of beef cattle producers and industry leaders: the Arizona Cattle Grower's Association, founded in 1904, the New Mexico Cattle Grower's Association, founded in 1914, and the Cochise-Graham Cattle Grower's Association, founded in 1912. Because of my concern for the sustainability of natural resources, which is dependent on good stewardship of the land, I also belong to the Cochise County Sheriff's Rancher's Advisory Team, Arizona Farm Bureau, the Arizona Association of Conservation Districts, and the Cochise County Public Lands Advisory Council. I stay so active locally because I believe it is essential to protect and manage the natural resources and land I have inherited so that the next generation can enjoy the environment just as I have.

9. Over the past few decades, the huge flow of the illegal border crossers encouraged by the DHS' lax interior enforcement policies as well as amnesty programs have significantly diminished my and my family's quiet enjoyment of



our splendid ranch. In the 1970s and prior, we had only a few illegal crossers each year. Most of the time illegal border crossers were looking for work. We would occasionally hire them for a day or two, feed them, provide them with a place to sleep, pay them and then they would move on. We left canned food in a location that they could easily find if they were passing through when nobody was at home. In those days, we felt there was a mutual respect between us and the border crossers. We had a natural sympathy for their desire to provide a better life for their families, and they respected us and our property.

However, in the 1980s the illegal traffic increased dramatically, especially after President Reagan's amnesty program. That was when we realized that actions taken by our federal government to reward illegal aliens invariably leads to an increase in illegal border crossing. The numbers became so large that we stopped providing food because we simply could not afford to. Nevertheless, because we had sympathy, we would still give them as much water as they could carry with them. We had also stopped providing them work in 1981, after we hired a man who subsequently broke into our home and robbed us, then stole a pickup and went toward Mexico. The vehicle was found by the sheriff's deputy after it had been wrecked and abandoned. By the 90s the traffic was so bad that we had hundreds a day, though the numbers ebb and flow. The attitudes of the illegal aliens also

changed dramatically. Some of them even became confrontational, threatening our families.

10. I do not employ illegal aliens.

11. The endless numbers of illegal aliens crossing over the border has physically degraded my land. Over the years my family and I have picked up literally tons of trash on our acreage. My family and I have picked up everything from plastic bottles, blankets, food wrappers, clothing, backpacks, diapers, pregnancy tests, hypodermic needles, cellphones and chargers. We have found human feces in abundance. The garbage left by the border crossers is a health hazard, and yet there is always far too much to pick up on a continuing basis. At one time, Cochise County hired some at-risk kids to pick up trash and they filled up 16 dump truck loads on just a few acres. The trash is even more of a health hazard to our cattle, who will try to eat anything. We have found several full grown cows dead and found entire blankets inside them. Also, we have found cows with plastic bags inside them that they tried to digest. Their deaths were excruciating. I am angered by the incessant trashing of my property by illegal border crossers. I do not have peace and quiet on my ranch anymore.

12. The unending illegal border crossing makes ranching far more difficult, dangerous and expensive. My family and I have had to rebuild miles of fence that illegal aliens have cut while crossing. Often the fences have been spliced and



mended so many times that new ones have had to be built. The damage done by the border crossers also threatens our livestock. When they cut our fences, our cattle and horses can get in the wrong pasture. Sometimes the cattle get into the neighbor's ranch, which increases the likelihood of transmitting diseases between herds. My family once had an extensive breeding program that was ruined because our fences were cut. Illegal border crossers have damaged our windmills and water tanks, sometimes beyond repair. Once, they drained our water tanks of 10,000 gallons of water leaving our livestock without water in the hottest month of the year. Water is a critical issue in the southwest high desert, and some cattle and horses died because they had been shut out of the place where they watered.

13. The constant trampling of the land by illegal border crossers has left permanent damage as well. Many illegal aliens crossing over our native grasslands will follow the paths beaten over time by previous crossers, and in those places, the grass will no longer grow. There are now eleven paths near our house where sixty percent of the grass is gone. These grasses are native to the area, and illegal border crossers also have an adverse impact on protected plant life. Native plants that grow on our property, such as the Soap tree Yucca cactus, which can grow to be 12 feet high, Century Plant, barrel cactus, and the Mesquite tree that have been trampled by drug cartels crossing in vehicles. What makes me even angrier is that many of these plants are protected by the state of Arizona—we ourselves would be



violating the law if we removed these native plants from our property. Yet these plants that take 6 to 8 years to grow are destroyed without consequence by illegal aliens.

14. The peace and tranquility of my home, my quiet enjoyment of my family's property, has been shattered by years of enduring illegal border crossers. Life on the ranch has become stressful. We feel that we are in constant reactionary mode, as people keep unlawfully crossing, and we know some of them may be a threat to our personal safety, giving us great anxiety for our children. The dogs bark in the night at the border crossers, making it difficult for us to sleep.

15. My reality is that I have headaches and health problems when I am at home, that go away when I travel. I feel the relief when I am gone from the ranch that of no longer feeling like I am in a war zone. I have heard some describe living in the border zone, as we do, as "a third country between Mexico and the United States," and I agree.

16. My family has even contemplated selling the ranch, despite our long, generational ties, and moving north, because of the constant pressure and fear we feel from incessant illegal border crossings. But the reality is that ranches which are a considerable distance from the border are worth much more than ours because the constant border crossing has significantly reduced the value of our land. Therefore, it would be nearly impossible to sell and try to relocate

somewhere else—we simply can't afford it. I also feel like this is my country and I can't stand the thought of illegal aliens who have no right to be here at all driving me and my family from our home. Instead, we want to see DHS do its job by enforcing the United States' southern border.

17. The degradation of the environment that I, and my family face is due in large part to the policies of DHS (and before it, its predecessor agency, the Immigration and Naturalization Service). For a long time I have understood that the border activities of illegal aliens respond directly to DHS' policies. Back in approximately 2000, I observed that border crossers on our property had sharply increased. My family and I had a meeting with David Aguilar, who was then the Chief of the Tucson Sector of the Border Patrol and later became Deputy Commissioner of Customs and Border Protection (CBP). He told us that the Border Patrol had deliberately adopted a policy that would secure the cities, and thus drive illegal aliens to cross in rural areas.<sup>1</sup> Mr. Aguilar all but admitted that political considerations drove this policy change. What was clear to us was that with the new policy, the visible burdens of increased border flow would then rest on fewer members of the voting public if the traffic went primarily through rural areas. A few ranchers were politically expendable. Based on what he said, I could see that

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<sup>1</sup> CBP refers to this policy in a report entitled "Holding the Line in the 21<sup>st</sup> Century," by Robert D. Schroeder, stating that the deployment of law enforcement resources in urban areas had the "expected effect" of pushing traffic to sparsely populated areas. The report states, on page 7, that this was "looked upon as a success, as the open deserts gave Border Patrol Agents more time to detect and apprehend smugglers."



what the federal agency wanted was for the wider public not to realize how out of control activity at the border had become.

18. I understand and live with the consequences of discretionary policy changes by immigration enforcement agencies (INS and its successor DHS) that have real, observable, direct impacts on the environment I and my family live in. I understand that the federal government obviously believes it can get away with causing these impacts as long as the public remains largely in the dark.

19. DHS' interior enforcement policies also have an impact on the decisions and actions of illegal border crossers. I know that citizens of other countries, like all people, respond to rational incentives—and they are more likely to cross the border if they believe the U.S. government will allow them to stay once they get here. Nothing makes potential border crossers more convinced they will be allowed to stay than hearing from past border crossers that the U.S. government has indeed allowed them to stay. DHS constantly takes discretionary actions that weaken and even dismantle border enforcement. These DHS actions establish the rewards that illegal aliens seek when they weigh whether or not to cross the border. For instance, DHS adopted a policy to dismantle most interior enforcement with the Morton Memos from 2011 to 2012 and the Johnson Memos in 2014. These policy memos protected large classes of illegal aliens from immigration enforcement agents. DHS also adopted Deferred Action for Childhood Arrivals



(DACA) in 2012. This policy outright gave work permits to classes of illegal aliens. But DHS never did any analysis about whether these policies, once adopted, might have an effect on the environment.

20. What I have recently come to realize is that DHS has been violating federal law by adopting discretionary immigration policies without doing any environmental analysis whatsoever on the impacts of its myriad actions. As discussed above, these actions have real, concrete, harmful ongoing impacts on me, my family, our land, and the general border environment. The environmental law that DHS (and its predecessor INS) has been violating for decades is the National Environmental Policy Act (NEPA). NEPA was designed to provide for environmentally informed decision making and public participation. Under NEPA, federal agencies must analyze and make public the environmental consequences their actions will have *before* they adopt them. I understand that this analysis is to ensure that DHS makes informed decisions. This requirement, I have learned, applies to all discretionary actions taken by agencies that are not specifically exempted by the law. DHS is a federal agency whose immigration enforcement policies affect the environment; we know this as we ourselves are constantly impacted by its policies. Yet the wider public most likely has no idea of the environmental damage DHS' policies are causing. At least some of the reason that the public does not feel the outrage it should, is because DHS has never done *any*

environmental analysis of the impact its enforcement decisions might have because of the damage border crossing does to the environment.

20. I am angry contemplating all of the damage done to our environment that might never have occurred if DHS had followed its obligations under NEPA. Perhaps, if DHS had analyzed and informed the public of the environmental impact its policies were having, it would have instead, chosen different policies that would have avoided the ongoing border surge. What if DHS had chosen to ramp up, instead of ramp down, interior enforcement? The border region would most likely look very different today. It might well look like it did 40 years ago—pristine, tranquil, and environmentally healthy. Instead, endless flows of illegal aliens continue to pour across the border, causing harm and degradation to our own land and the surrounding region.

21. What scares us even more is that we see no end in sight to the endless flows of illegal border crossing, as DHS continues to adopt policies without examining the environmental impact they are having. I expect drug running to remain rampant and the attitudes of the illegal population to become more bold and confrontational. I fear for our safety and the condition of our land. It seems likely our region is doomed to become a permanent drug thoroughfare. I thus have been harmed and will continue to be harmed while DHS refuses to do its job. If DHS

would only start following NEPA in its future actions, it might change its mind about its policies that encourage endless illegal immigration.

FURTHER AFFIANT SAYETH NOT.

Fred Davis  
Fred Davis

Subscribed and sworn to before me on 9.30.16, by FRED DAVIS.  
He is personally known to me or has presented  
AZCDL DOS409376 as identification.

[Signature]  
NOTARY PUBLIC  
STATE OF ARIZONA  
MY COMMISSION EXPIRES 10.30.2018

